

25 May 2021

Cheryl F. Probert
Forest Supervisor
Nez Perce-Clearwater National Forests

Dear Ms. Probert:

Thank you for the opportunity to comment on the potential "Categorical Exclusion" projects revealed to the public in a series of e-mails dated May 6, 7, and 9, 2021. The projects would be implemented on public lands managed by the Nez-Perce Clearwater National Forests (Forests), and my comments are intended to meet the May 25, 2021 requested due date. I am commenting as a private citizen and not on behalf of any group or organization.

Although the comments below respond to several and separate e-mail requests, I have consolidated my responses below in the order described in the 74-page "project description" attachment associated with each project e-mail, rather than developing a separate comment letter/document for each proposed. I hope that this is acceptable to the Forests, but can provide separate comment documents if it is necessary.

General Comments:

1. Where relevant, please describe in scoping documentation the potential for each of the projects to affect Endangered Species Act (ESA)-threatened Snake River steelhead and Columbia Basin bull trout along with designated Critical Habitat for each species. Please describe what coordination and consultation has occurred with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), as appropriate, for each project. Please ensure that every aspect of each project has been analyzed for all potential direct, indirect, and interrelated/interdependent ESA effects (road- and trail-related activities, water withdrawal, fuel handling and storage, etc.), not just the basic exploration or mining operation activities.
2. Where relevant, please describe in scoping/project documentation the up-to-date fish presence data and a discussion of RHCA buffer width delineations. Please discuss how RHCAs (stream, pond, and wetland) would be marked on-site or otherwise practically designated such that the claimants are aware of RHCA boundaries.
3. In addition, please ensure disclosure in scoping documentation if any project operations are proposed within RHCAs, and please describe, where relevant, how the project complies with PACFISH/INFISH Standards.
 - a. In particular for mining projects, please describe compliance with PACFISH Standards MM-1, MM-2, MM-6, RA-2, and RA-5. How would any proposed water withdrawal (the location, site preparation, timing, and volume, if not already specified in the project scoping description) for these projects (including potable water and that used in hand-operated exploration/mining equipment) affect ESA-listed species and PACFISH compliance (Standard RA-5)? What criteria would be used by the Forests to determine whether a particular water withdrawal/interaction site is suitable for project purposes? Any potential for modification or removal of riparian vegetation and any stream channel excavation must be part of any PACFISH/ESA analysis. Beyond the FS review proposed for site selection, what conditions will be placed on water withdrawal, particularly on the timing and frequency of such activities, as well as the volume/rate of withdrawal and

screening? Will streamflow volume (which is typically reduced to baseflow by late summer) be a factor in the location and volume of approved drafting?

4. Some project descriptions propose the use of existing but unnumbered “roads” or “trails.” These references to proposed motorized vehicle access routes associated with exploration/mining apparently apply to linear disturbances (likely in some stage of soil and vegetation recovery) that are not a part of the Forests database of roads or trails, which the Forests does not maintain, and/or which the Forests has not currently authorized motorized use. Some of the project descriptions state or imply that heavy equipment will be necessary for use of at least some of these linear features by the claimants. So, please provide in scoping documentation:
 - a. For each project, what is the total mileage of these linear features that would be used/modified for motorized vehicles/equipment in this proposal?
 - b. Would the Forests perform or allow the claimants to disturb soil in the preparation or use of the linear features? If so, please provide a complete description of proposed/allowable ground disturbing activities, including techniques, equipment, locations, distances, areas and volumes. What limits on vegetation clearing would be placed on the project proponents? Does the Forests plan to survey these proposed access routes for potential impacts on stream channels, wetlands, wildlife and native plant habitat, or cultural resources? Please include information on the current degree of soil and vegetation recovery of these linear features and a discussion of the potential for the proposed activities to facilitate contemporaneous and future unauthorized vehicle access within and beyond the project area.
 - c. Why would activities performed by the project proponents or Forests to facilitate motorized vehicle/equipment use on non-system linear features not be considered to be road construction by the Forests?
 - d. Will the non-system linear features used by motorized vehicles/equipment in these projects be added to the “system” database, maintenance schedule, and other aspects of Forests road/trail management, or will these features be decommissioned/stored/blocked following use in this project? If neither, please describe the provisions of U.S. Forest Service regulations and/or Nez Perce National Forest Plan and subsequent NEPA decisions that dictate or guide the management and analysis of effects of non-system roads or trails that are relevant to the proposed project?
5. Sometimes Included in the proposed project descriptions are subjective provisions for site- and timing-specific decisions on allowable activities; e.g. is the activity “practicable” or would the activity be performed only “when possible,” “if needed,” or “if necessary.” To the extent that some details of the proposed projects are too fine-scale or site/context dependent to be detailed in advance, this is a reasonable approach. It would seem to me, however, that there would often be circumstances where it would be difficult for Forests specialists to analyze potential project effects under such subjective instructions and for the Forests contractors or claimants to be sure that they are meeting the terms of their contracts, permits, or Plans of Operation. I suggest that this equivocal language be eliminated from authorizing language or conditions, that the Forests always and explicitly make subjective decisions, that frequent monitoring be performed, and/or the Forests should document or require documentation of all such decisions that have the potential to affect public resources (and make these records open to review by the public).
6. Each mining project description requires the claimants to “follow” the Idaho State Best Management Practices (BMPs) manual, which was published in 1992 and is in excess of 150 pages long. Given the age, length, and sometimes subjective nature of this document, and considering the number and variety of techniques described, even the best-intentioned claimant could have difficulty in compliance, while Forests (and citizen) oversight would be problematic.

To ensure that there are no misunderstandings or wiggle room in interpretation of the document, the Forests should include in the Plan of Operations and public record an excerpt or annotated copy of the Mining and any other cited BMPs that specify which practices are to be followed.

7. For each of the proposed mining projects, the statement is made in the project description that “A standard set of general requirements has been developed...” but this statement is followed by the conditions that: “Not all listed requirements are relevant to this proposed action” and “All requirements relevant to this proposal will be adhered to.” The sum of these statements and conditions is that the public (and, unless specified further prior to analysis, Forests specialists) have no way of knowing which and which parts of the 22 General Requirements (GRs) (and of 31 additional following requirements) would eventually be considered to be relevant to the proposal or required of the claimant. As with General Comment #5 and #6 above, the construction of this description complicates or precludes full analysis by Forests specialists and compliance monitoring by the public. Only requirements, conditions, and best practices to which the claimant would actually be subject should be listed if this scoping document is to have full practical significance.

Comments on Individual Projects (in order presented in May 4, 2021 consolidated proposals).

1. Bagley (sic) Creek Placer Exploration (Red River Ranger District)

- a. Please incorporate any and all of my “General Comments” that may be relevant to this project, particularly regarding the use of linear access features that are not managed or are currently closed in the Forests roads system and the post-project disposition of these features and of potential effects on RHCAs.
- b. The duration of the project is stated as one year or less, but potentially occurring during both the 2021 and 2022 “operating seasons” and that operations and reclamation must be complete and equipment/debris removed by October 1. If the project would occur during more than one operating season, operations and reclamation must be complete and equipment/debris removed by each October 1. Please ensure that reclamation of all site disturbance (including that of the “temporary road” construction and proposed makeshift wooden stream crossing) must be performed prior to October 1 in each of the two operating seasons, as opposed to when “work was completed.” The potential effects on erosion and stream sedimentation from a temporary road (and the potential for streambank damage from presence of the “bridge” during high streamflows) can and should be avoided through reclamation prior to each wet season, as should potential effects of direct mining activities.
- c. A work “site” is envisioned in the scoping project description, but the full location (beyond a star on the scoping map) and size of the area that would potentially be disturbed is not delineated or quantified. The “main road access” is shown on the map as including both portions of FR 1190B and “a primitive road/trail,” with a “temporary road” shown as extending from the former route and crossing Bagely Creek. Based on my measurements, the “temporary road” would be in excess of 1600 feet and the total distance of this route off of FR 1190B to be in excess of ½ mile, while the text of the project description states that the temporary road would be “up to 200 feet long.” No information is provided on the number of trips/stream crossings with equipment and vehicles, or the location of equipment parking and maintenance areas, sanitary facilities, and storage of potential contaminants. An accurate quantification of project activities would seem to be necessary for project effects to be assessed, as well as publicly disclosed.

- d. The lack of information/disclosure noted here and in Individual comments 1.a. and 1.b., in particular, make it difficult to provide comprehensive comments, so perhaps the Forests should re-scope this project when more information becomes available/can be revealed.
- e. In particular, the excavation of trenches and operation of other vehicles/equipment is proposed but information and requirements regarding proximity to stream channels, wetlands, and associated RHCAs is either lacking or ambiguous. For example, the project description states that a 20-foot or greater buffer would be maintained between surface disturbance and streams/wetlands (where “possible”), while the miner is required to “avoid” disturbance of wetlands and stream riparian zones in General Requirement #3, and GR #5 requires a 50-m separation of “all activities” from flowing water. Such ambiguity leads, at best, to good faith misunderstanding of miner requirements.
- f. The existing primitive road/trail (at least some of which would be constructed into a “temporary road”) that is proposed for equipment and vehicle access to the project site may exist on the ground, but it is not shown on other FS maps and so presumably is not in the Forests system database and currently not open to motorized use. Please consider whether use of and likely disturbance of this route (and any stream crossing associated with it) are consistent with PACFISH and whether stream/riparian resource impacts may be avoided through a different access route or a full or partial “existing trail” re-route. Again, please see General Comment #4.
- g. A makeshift bridge and corduroy surface are proposed for construction (apparently as a part of the temporary road) with onsite “dead tree poles” or planks. The Forests should survey the potential temporary road alignment (prior to any claimant activities) and designate any proposed and specific crossing sites and methods to minimize and allow analysis of effects on wetlands, stream channels, RHCAs, and other public resources.
- h. There is no discussion of the current condition or nature of the proposed activities on the named and mapped system roads, particularly FR 1190B; is this road currently open to the public? Please disclose the characteristics, proposed allowed activities, and analysis of anticipated effects of access activities for this proposed access route. Please reference the details of my General Comment #4 in this disclosure/discussion.
- i. The volume, location, timing, or proposed drafting rate of “process” water necessary for the proposed activities is not disclosed. Drafted water is proposed for recirculation, but the potential for loss of this water and the need for additional water drafted water is not addressed. The description provides 2 options for containing process water, but GR #11 disallows the settling pond version.
- j. General Requirement (GR) #5 references “overland travel” and a 50 m buffer from flowing water. Please address what vehicles/equipment might be allowed to travel overland in this proposed project, the locations in which this would be allowed, the degree and duration of this use, the threshold and methods for reclamation of soil and vegetation damage for this travel, and analyze the potential effects overland activities.
- k. GR #3, 4, and 5 relate to streams and wetlands. #3 says to “avoid disturbance of wetlands and stream riparian zones” and #5 refers to “live streams” “wetlands” and “flowing waters” -- how are these features defined if not as RHCAs? For #4 & 5, why the dichotomy in requirements between intermittent streams and features described in #5? For #5, are any of the streams in the project area fish-bearing and if so, how does this requirement conform with PACFISH? For #5, the “down gradient” phrasing is superfluous and confusing and should be deleted.
- l. In the project description and GR #7, downfall (=deadfall or blowdown?), “small trees,” “merchantable-sized trees,” “live trees,” “dead and/or down timber,” and vegetation are permitted for removal, mostly without specific authorization. For woody material and vegetation in RHCAs, how would removal comply with PACFISH?

- m. For GR #10, how does the Forests propose to delineate RHCA buffers if the “need to decide if fish are present” is alleviated?
- n. For GR #17, “garbage and trash” should not be allowed to accumulate on National Forests lands for any length of time if it can be avoided, as it has the potential to be dispersed and forgotten. Any garbage or trash should always be contained in a manner that it is not vulnerable to animals or visible to other Forests visitors, and removed as soon from Forests lands as soon as possible. Because the miners in this project would return to Dixie daily for camping, it would be no hardship to also transport all garbage and trash daily.
- o. For GR #18, if a porta-potty is used, it should be located outside of RHCAs.

2. Black Sands #1 Placer Exploration (Salmon River Ranger District)

- a. Please incorporate any and all of my “General Comments” that may be relevant to this project.
- b. The timing of the project is not stated, other than a 2021 start and a duration of less than a year.. If the project would occur during more than one operating season, operations and reclamation should be complete and equipment/debris removed by each October 1. Please ensure that reclamation of all site disturbance (including the culvert placement, if it is not sized and constructed to accommodate 100-year flows) must be performed prior to October 1 in each of the two operating seasons, rather than allow overwintering of disturbance. The potential effects on erosion and stream sedimentation (and stream channel damage from presence of the culvert during high streamflows) can and should be avoided through reclamation prior to each wet season, as should potential effects of direct mining activities.
- c. A project area of 20 acres and 4 exploration sites are envisioned in the scoping project description, but the size of the area that would potentially be disturbed (beyond the area of the actual trenches) is not delineated or quantified. The 643A access road is shown on the map and crossing (with a project-specific culvert) White Sand Creek . No information is provided on the number of trips/stream crossings with equipment and vehicles, or the location of equipment parking and maintenance areas, sanitary facilities, and storage of potential contaminants. An accurate quantification of project activities would seem to be necessary for project effects to be assessed, as well as publicly disclosed.
- d. The project description states that “A stream crossing would be necessary on a fork of Sand Creek...” followed by “A culvert would be installed at one stream crossing.” This wording implies that there may be more than one vehicle/equipment stream crossing, only one of which would be equipped with a culvert. Is this the case, and if so, please describe the location and circumstances of any non-culverted stream crossings. The Forests should survey any additional proposed stream or wetland crossings (prior to any claimant activities) and designate any proposed sites and methods to minimize and allow analysis of effects on wetlands, stream channels, RHCAs, and other public resources.
- e. An examination of the project area and 643A access road on satellite imagery from 2016 shows that the claim is a mixture of wet meadows and timbered upland areas. Imagery also shows that the proposed crossing of White Sand Creek is an over-widened ford (wet during at least some operating seasons) that there are at least 2 other similar crossings where erosion of stream channels/wetlands exist. The unauthorized mining activity mentioned in the project description is also visible in the form of new vehicle routes and equipment presence in at least one meadow. Whether the current claimant or other individuals are responsible for this resource damage, the Forests should survey and record these features, and require specific reclamation by the current claimant. The existence of the over-widened fords should prompt the Forests to carefully consider the need for and form of stream/wetland crossing activities necessary for the proposed

mining efforts. Additionally, the satellite imagery shows that the damage occurred between 2013 and 2016, and does not show great regard for limitation of avoidable impacts by those responsible, a factor which may be relevant to reclamation bonding.

- f. The project description includes proposed rocking of the 643A road in locations where it becomes “muddy/soft” and that this rock would be removed during reclamation. As noted above, there appear to be multiple such areas extending for at least dozens of feet. The Forests should consider the benefits and resource damage that would be inherent in the proposed rocking and potentially require a level of effort and permanence in the activity that would obviate/reduce further erosion and sedimentation. Alternatively, the Forests should consider the potential for decommissioning the portion of the road within wetlands/riparian areas, and require the claimant to perform some of this work as part of site reclamation. Further, any rocking/culverting of stream crossings of the 643A road performed by the Forests or claimant should be appropriately permitted by the Corps of Engineers and/or Idaho Department of Water Resources.
- g. The excavation of trenches and operation of other vehicles/equipment is proposed but information and requirements regarding proximity to stream channels, wetlands, and associated RHCAs is either lacking or difficult to discern from the map in the scoping document. For example, the miner is required to “avoid” disturbance of wetlands and stream riparian zones in General Requirement #3, and GR #5 requires a 50-m separation of “all activities” from flowing water. Such ambiguity leads, at best, to good faith misunderstanding of miner requirements.
- h. Additionally, there is no discussion of the current condition or nature of the proposed activities on the named and mapped system roads, particularly FR 643A; is this road currently open to the public? Please disclose the characteristics, proposed allowed activities, and analysis of anticipated effects of access activities for this proposed access route. Please reference the details of my General Comment #4 in this disclosure/discussion.
- i. While the proposed location of “process water” withdrawal (on Black Sand Creek) is shown on the scoping map, this specificity is undermined in the text of the scoping document with the mention of four named streams, and the volume and timing of proposed drafting is not disclosed. Drafted water is not proposed for recirculation, so it would seem that substantial water withdrawal from these streams is contemplated, but not in enough specificity for analysis or oversight.
- j. General Requirement (GR) #5 references “overland travel” and a 50 m buffer from flowing water. Please address what vehicles/equipment might be allowed to travel overland in this proposed project, the locations in which this would be allowed, the degree and duration of this use, the threshold and methods for reclamation of soil and vegetation damage for this travel, and analyze the potential effects overland activities. As noted above, the 2016 imagery shows riparian meadow vehicle tracks.
- k. GR #3, 4, and 5 relate to streams and wetlands. #3 says to “avoid disturbance of wetlands and stream riparian zones” and #5 refers to “live streams” “wetlands” and “flowing waters” -- how are these features defined if not as RHCAs? For #4 & 5, why the dichotomy in requirements between intermittent streams and features described in #5? For #5, are any of the streams in the project area fish-bearing and if so, how does this requirement conform with PACFISH? For #5, the “down gradient” is superfluous and confusing and should be deleted.
- l. In the project description and GR #7, deadfall/”downfall,” “live trees,” slash and vegetation are permitted for removal, some without specific authorization. For woody material and vegetation in RHCAs, how would removal comply with PACFISH?
- m. For GR #10, how does the Forests propose to delineate RHCA buffers if the “need to decide if fish are present” is alleviated? What “high gradient streams” would the claimant use for water withdrawal, considering the topography of the project area?

- n. For GR #17, “garbage and trash” should not be allowed to accumulate on National Forests lands for any length of time if it can be avoided, as it has the potential to be dispersed and forgotten. Any garbage or trash should always be contained in a manner that it is not vulnerable to animals or visible to other Forests visitors, and removed as soon from Forests lands as soon as possible. Because the miners in this project would not be camping onsite, it would be no hardship to also transport all garbage and trash daily back to the campsite.
- o. For GR #18, if a porta-potty is used, it should be located outside of RHCAs.

3. Flint Creek Culvert Replacements (Red River Ranger District)

- a. I am in favor of this project, and believe that compliance with PACFISH standards and ESA consultation requirements should minimize adverse resource effects. Thank you for proposing this project.

4. McBee Special Use Permit (Salmon River Ranger District)

- a. The wording of this project description raises some questions for me: a) why is this a “new” ROW? Is Mr. McBee a new owner of property within the inholding, or has he not held a ROW in the past? If the latter, has private vehicular use occurred anyway? b) how would Mr. McBee maintain and treat vegetation on/along the ROW (“Post-implementation” bullets) if “(n)o road work or vegetation maintenance is being proposed with this project.”?

5. North Fork Aspen 3 (North Fork Ranger District)

- a. Please incorporate any and all of my “General Comments” that may be relevant to this project, particularly regarding activities in the Long Creek aspen stand, as the stand and cutting boundary for this clone are shown as overlapping a portion of Long Creek and its RHCA that is Critical Habitat and likely current spawning and early rearing habitat for ESA Threatened bull trout, and within an INFISH RHCA.
- b. Any activities in the Long Creek stream channel and RHCA could have the potential to affect individual bull trout or their habitat, particularly regarding stream shading and large woody debris recruitment, so appropriate fisheries biologists should be included in project planning to ensure that activities are neutral or beneficial for this species.
- c. Is the text correct that the retention for the whole project (4 clones) would be as low as 8-20 total mature stems? Or is the retention figure intended to be applied per acre?
- d. It is implied, but not exactly stated, that no road construction or vehicle operation off of existing open Forests system roads would be employed. Is this correct?

6. North Fork Ponderosa Pine 2 (North Fork Ranger District)

- a. Please incorporate any and all of my “General Comments” that may be relevant to this project.
- b. The project description states that no tree cutting or prescribed fire ignitions would be conducted in RHCAs, but the project proponent is likely a bit too confident that RHCAs are always too damp to burn significantly from non-RHCA ignition, and also does not take into account accidental ignition within RHCAs. Therefore, this limitation on treatment does not fully prevent the potential for erosion, stream sedimentation, or adverse effects on streamside vegetation.
- c. So, although none of the proposed treatment units appear to include streams or RHCAs where ESA Threatened bull trout are likely present, downstream effects could be transmitted to the

North Fork Clearwater River which could have the potential to affect bull habitat, particularly regarding water temperature and fine sediment, and so ESA Section 7 consultation should be initiated for this project.

- d. Monitoring information on recent and local prescribed fire effects on erosion and RHCA fire encroachment could be used to support the Forests' ESA and other effects determinations. To the extent that monitoring of RHCA prescribed fire encroachment data (as opposed to anecdotal observations) are limited, a monitoring plan should be developed and implemented to provide the Forests and the USFWS adequate information to facilitate future prescribed burns.

7. Waterline Place Exploration (Salmon River Ranger District)

- a. Please incorporate any and all of my "General Comments" that may be relevant to this project, particularly regarding the use of linear access features that are not managed or are currently closed in the Forests roads system and the post-project disposition of these features and of potential effects on RHCAs.
- b. The duration of the project is stated as one year or less, but potentially occurring during both the 2021 and 2022 "operating seasons" and that operations and reclamation must be complete and equipment/debris removed by October 1. If the project would occur during more than one operating season, operations and reclamation must be complete and equipment/debris removed "at the end of the season"--i.e., by each October 1.
- c. Although many of the project-relevant areas or sites are described or identified in the project description or scoping map, the full extent of the project area or claim is not clearly delineated. The project description implies to me that only previously excavated mine tailings would be re-excavated and processed, and the scoping map shows three specific sites, two of which, when compared with satellite imagery, are clearly in areas of minimal reclamation. The third specific excavation site shown on the map/imagery (the western-most), however, appears to be in an area with substantial vegetative recovery. Further, satellite imagery from 2016 shows standing water connected to the main tailings pond where the settling pond is shown on the scoping map (although the description text claims 5 settling ponds). Clearly, these apparent discrepancies may be artifacts of translation between the claimant and the Forests, but, to the extent that any previously undisturbed or substantially reclaimed portion of the project area (primarily indicated by substantial vegetation growth or soil formation) or mining claim would be modified through excavation, materials storage, processing equipment, or vehicle/heavy equipment storage or operation, this project should be recharacterized and rescoped. Similarly, the project should be recharacterized and rescoped if any water or wetland features beyond the primary tailings pond would be affected or overland water flow from the project have the potential to reach the West Fork of Meadow Creek (directly or through tailings pond surface flow).
- d. The access road (i.e. the "primitive road") from FR 394 about ¼ mile to the primary tailings pond area is shown on at least some maps as a FS system road (394I), continuing east and crossing the WF Meadow Creek, satellite imagery shows a 2-track still visible, with an overwidened ford. The project proposal is to improve some portions of this road from the 394 road to the proposed camper pad just north of the primary tailings pond. Further, the claimant apparently seeks to gate and lock this road, presumably to safeguard equipment. The Forests should be clear in project documentation the official status of the road, of allowable claimant modifications, and whether crossings of the WF Meadow Creek by vehicles and equipment are envisioned as part of the project..
- e. The excavation of trenches and operation of other vehicles/equipment is proposed but information and requirements regarding proximity to stream channels, wetlands, and associated

RHCAs is sometimes ambiguous or not provided. For example, while the miner is required to “avoid” disturbance of wetlands and stream riparian zones in General Requirement #3, and GR #5 requires a 50-m separation of “all activities” from flowing water. Such ambiguity leads, at best, to good faith misunderstanding of miner requirements, but could be largely resolved with delineation of the active project area.

- f. There is no discussion of the current condition or nature of the proposed activities on the named and mapped system roads. As noted above, the project access road, apparently FR 394I, is or may be currently open to the public--would project road improvements increase use and impacts of this road, especially in the WF Meadow Creek RHCA? Please disclose the characteristics, proposed allowed activities, and analysis of anticipated short and long term effects of access activities for the proposed project. Please reference the details of my General Comment #4 in this disclosure/discussion.
- g. General Requirement (GR) #5 references “overland travel” and a 50 m buffer from flowing water. Please address what vehicles/equipment might be allowed to travel overland in this proposed project, the locations in which this would be allowed, the degree and duration of this use, the threshold and methods for reclamation of soil and vegetation damage for this travel, and analyze the potential effects overland activities.
- h. GR #3, 4, and 5 relate to streams and wetlands. #3 says to “avoid disturbance of wetlands and stream riparian zones” and #5 refers to “live streams” “wetlands” and “flowing waters” -- how are these features defined if not as RHCAs? For #4 & 5, why the dichotomy in requirements between intermittent streams and features described in #5? For #5, are any of the streams in the project area fish-bearing and if so, how does this requirement conform with PACFISH? For #5, the “down gradient” is superfluous and confusing and should be deleted.
- i. In GR #7, trees, downfall (=deadfall or blowdown?), and tree cutting/removal are permitted, in some part without specific authorization. For woody material and vegetation in RHCAs, how would removal comply with PACFISH?
- j. For GR #10, how does the Forests propose to delineate RHCA buffers if the “need to decide if fish are present” is alleviated?
- k. For GR #18, if a porta-potty is used, it should be located outside of RHCAs.
- l. On the whole, I approve (in principle, at least) of projects such as this where mining is conducted on previously disturbed and generally unreclaimed areas. If the Forests can persuade or require the claimant to actually speed reclamation of such areas, all the better.

8. McGuire Creek Suction Dredging (Red River Ranger District)

- a. Please incorporate any and all of my “General Comments” that may be relevant to this project, particularly regarding the use of the “serviceable trail,” which is not included in the Forests roads/trails system and the post-project disposition of this feature and of potential effects on RHCAs.
- b. The duration of the project is stated as one year or less, but potentially occurring during both the 2021 and 2022 “operating seasons” and that operations and reclamation must be complete and equipment/debris removed by October 1. If the project would occur during more than one operating season, operations and reclamation must be complete and equipment/debris removed by each October 1. Please ensure that reclamation of all site disturbance (including that of the reclamation of the intended ATV trail and of any Big Creek crossing site) must be performed prior to October 1 in each of the two operating seasons rather than allow overwintering of disturbance.. The potential effects on erosion and stream sedimentation from a riparian ATV trail, and Big

Creek crossing can and should be avoided through reclamation prior to each wet season, as should potential effects of direct mining activities.

- c. Other than the location and length of the “serviceable trail,” which can be discerned from the scoping maps, there is no direct discussion of the characteristics of this trail, and the necessary ATV ford of Big Creek and methods that would be used to maintain/construct/reclaim the ancillary features of this project. The “serviceable trail” and Big Creek ford may exist on the ground, but they are not shown on other FS maps and so presumably are not in the Forests system database and are currently not open to motorized use. Please consider whether use and maintenance of the trail and ford are consistent with PACFISH and whether stream/riparian resource impacts may be avoided. Again, please see General Comment #4.
- d. The campsite is proposed for placement in the RHCA, when there is no obvious necessity--is this compliant with PACFISH?
- e. The proposed method of crossings of Big Creek by ATVs/UTVs is lacking in the project description, given that multiple uses of a ford involve potentially substantial short- and long-term effects on public resources. No information is provided on the number of trips/stream crossings with equipment and vehicles, or the location of additional vehicle parking areas, sanitary facilities, and storage of potential contaminants. An accurate quantification of project activities would seem to be necessary for project effects to be assessed, as well as publicly disclosed. The Forests should have relevant specialists survey the trail alignment, Big Creek ford, and proposed campsite (prior to any claimant activities) and designate any proposed and specific alignment/crossing sites and methods to minimize and allow analysis of effects on wetlands, stream channels, RHCAs, and other public resources.
- f. General Requirement (GR) #5 references “overland travel” and a 50 m buffer from flowing water. Please address what vehicles/equipment might be allowed to travel overland in this proposed project, the locations in which this would be allowed, the degree and duration of this use, the threshold and methods for reclamation of soil and vegetation damage for this travel, and analyze the potential effects overland activities.
- g. GR #3, 4, and 5 relate to streams and wetlands. #3 says to “avoid disturbance of wetlands and stream riparian zones” and #5 refers to “live streams” “wetlands” and “flowing waters” -- how are these features defined if not as RHCAs? For #4 & 5, why the dichotomy in requirements between intermittent streams and features described in #5? For #5, are any of the streams in the project area fish-bearing and if so, how does this requirement conform with PACFISH? For #5, the “down gradient” is superfluous and confusing and should be deleted.
- h. In GR #7, trees, downfall (=deadfall or blowdown?), and tree cutting/removal are permitted, in some part without specific authorization. For woody material and vegetation in RHCAs, how would removal comply with PACFISH?
- i. For GR #10, how does the Forests propose to delineate RHCA buffers if the “need to decide if fish are present” is alleviated?
- j. For GR #17, “garbage and trash” should not be allowed to accumulate on National Forests lands for any length of time if it can be avoided, as it has the potential to be dispersed and forgotten. Any garbage or trash should always be contained in a manner that it is not vulnerable to animals or visible to other Forests visitors, and removed as soon from Forests lands as soon as possible. Because the miners in this project would return to Dixie daily for camping, it would be no hardship to also transport all garbage and trash daily.
- k. For GR #18, given that the campsite is proposed a porta-potty is used, it should be located outside of RHCAs.
- l. On the whole, I approve (in principle, at least) of siting suction dredging projects, such as this one, in streams without ESA-listed fish species or Critical Habitat. Thank you for including

specific suction dredging operational requirements which are similar to those in ESA-relevant waters.

9. Castle Creek Restoration... (Salmon River Ranger District)

- a. I am in favor of this project, and believe that compliance with PACFISH standards and ESA consultation requirements should minimize adverse resource effects. Thank you for proposing this project.

10. Musselshell Beaver Dam Analogs Phase 3 (Lochsa-Powell Ranger District)

- a. I am in favor of this project, and believe that compliance with PACFISH standards and ESA consultation requirements should minimize adverse resource effects. Thank you for proposing this project.

11. Musselshell Meadow Fence Reroute (Lochsa-Powell Ranger District)

- a. It is unfortunate that barbed wire fencing, which is potentially dangerous to wildlife and Forests visitors, is necessary to protect the meadow and creek from livestock degradation, but I nonetheless support the project.

12. O'Hara Bridge 651-01 Replacement (Moose Creek Ranger District)

- a. I am in favor of this project, and believe that compliance with PACFISH standards, ESA consultation requirements, and 404/SPA permitting should minimize adverse resource effects. Thank you for proposing this project.

13. Purdue Drift Fence, Palouse Ranger District.

- a. The proposed category for exemption from NEPA compliance is relevant "...when an allotment management plan is not yet in place." Shouldn't the lack of such a plan for this allotment deter the Forests from constructing such an apparently substantial ("approximately 1 mile," etc.) and apparently permanent development? The fact that the number of permitted livestock on this allotment has recently been greatly reduced demonstrates instability in the Forests' management of the allotment to the point where a full and public evaluation of the costs and benefits of the continued grazing on the allotment should be implemented.
- b. No duration for the existence of the fence and fence features is stated, nor are any potential adverse effects of the proposed activities (either in construction or existence) described, nor are the locations/lengths/effects of existing fence disclosed. Any disclosure or analysis of the proposed activities should incorporate this information, including the potential for barbed wire to harm wildlife and Forests visitors..
- c. The reason for this project appears to be that the permittee would otherwise be unable to keep livestock from trespassing on State land, but the justification for expenditure of Forests funding and staff time for this project is garbled at best. If "great economic value" would be derived from the proposed activities, then this value should be easily quantified, as should costs to the Forests (and the American public). Further, given that the utility of any fencing constructed or maintained on the allotment is solely for the benefit of the permittee, a bond should be required that would fund the removal of the proposed fence (and any other fences constructed for allotment

management) should livestock grazing cease or be modified such that any portion of a fenceline is obsolete.

- d. The text description of the length/location of the proposed fence is not consistent and/or is inadequately depicted with the provided map. Please develop an accurate map of the proposed activities/sites (including the locations of the private fence, "Nat Brown enclosure," ATV trail, etc.) and re-scope this project with sufficient information for the public to reasonably comment.
- e. The ATV trail mentioned in the proposed project description is not shown on the provided map, the CNF Visitor map or MVUM--if this route is not authorized, why is it assumed to be a tolerated/approved feature upon the landscape by the Forests, and accommodated in the fencing? If the ATV route is authorized only for the permittee, this fact should be disclosed and any fence crossing site should be gated and locked.
- f. The use of "cheater bar" barbed wire gates to gain access to public land is not a safe practice for Forests visitors (or staff), and should not be planned, maintained, or allowed on the Forests. Alternatively, any such gates should be signed with operating instructions and contact information for the District Ranger, should Forests visitors seek redress if injured in manipulation of the gates or denied access to NFS lands.
- g. Please describe any effects on Nat Brown Creek, its RHCA, and on Snake River steelhead/steelhead Critical Habitat (either in construction or existence) of the proposed activities. Does the Forests consider existing ESA consultation for this allotment to be adequate to comply with Section 7 for the proposed activities or would re-initiation of consultation be required? Would creek crossings by ATVs/UTVs/backhoes be performed in construction and at what locations? How would the construction of the fence affect cattle utilization of the Nat Brown Creek RHCA, greenline, and stream channel?

14. Walde Creek Culvert Replacement (Lochsa-Powell Ranger District)

- a. I am in favor of this project, and believe that compliance with PACFISH standards and ESA consultation requirements should minimize adverse resource effects. Thank you for proposing this project.

15. Whitebark Pine Planting (Lochsa-Powell Ranger District)

- a. I am in favor of this project._____

Thank you for considering these comments and please don't hesitate to contact me via e-mail (cuttquest10@gmail.com) or phone (208-553-2347) if you have any questions.

Sincerely,

Dan Kenney
187 Maple Drive
Orofino, ID 83544